

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2246.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	March 14, 2005
DATE OF REPORT:	May 11, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 20, 2005

COMPLAINT ISSUES:

Whether the MSD of Wabash County and the Wabash-Miami Area Program For Exceptional Children violated:

511 IAC 7-25-2 by failing to implement the written procedures ensuring the location, identification, and evaluation of a student who may be in need of special education and related services.

511 IAC 7-27-11 by failing to provide instruction to a student with a temporary or chronic illness that precludes the student's attendance at school.

FINDINGS OF FACT:

1. The Student is unable to attend school full time due to chronic illness and has been determined eligible for homebound instruction.
2. The Complainant filed a complaint with the Division of Exceptional Learners on December 20, 2004, involving the Student's education situation. That complaint, #2201.05, found the School in violation of 511 IAC 7-27-11 for an inordinate delay in fulfilling its duty to seek additional information and to initiate homebound instruction earlier than January 3, 2005. This complaint, with respect to the same issue, is filed because the Complainant alleges that the Student's homebound instruction plan is not being implemented.
3. The School does not have a clear homebound instruction plan for the Student. The School's approval of the Student's application for homebound instruction lists the four teachers who will provide services but does not indicate the number of hours or at what pay. The Principal has corresponded with the Parent several times with regard to what will be provided. The plan is to start with the subject of mathematics and then work in the other three core subjects, English, science, and social studies. According to the math teacher's contact for the Student, the math teacher has visited the home seven times between January 24, and April 20, 2005. The Student has struggled to get most of the work done. The Student, since January of 2005, has often been ill and has been in the hospital. The Student's English teacher has made telephone contact with the Parent twice and has arranged to have some work sent home to the Student. The English teacher has not been to the Student's home to provide services, and no other teacher has made contact with the Parent to arrange a schedule to provide services.
4. The Student has been evaluated for special education on May 8, 2001, and again on May 10, 2004. The case conference committee did not find the Student eligible for special education. The Student has also received accommodations through Section 504 in the past. In October of 2004, a mediation was

scheduled to discuss whether the Student is eligible for special education as a student with an other health impairment, but the Parent was unable to attend and the mediation was not rescheduled. Otherwise, the Student received homebound instruction during the time period of March 19, 2001, to May 30, 2001; November 2, 2001, to the end of the 2001-2002 school year; February 10, 2003, to the end of the 2002-2003 school year; and March 2, 2004, to the end of the 2003-2004 school year. This homebound instruction was provided according to 511 IAC 7-27-11 for a student who is not a student with a disability identified in accordance with Article 7.

CONCLUSIONS:

1. Finding of Fact #4 indicates that the School did not fail to implement the written procedures that ensure the location, identification, and evaluation of a student who may be in need of special education and related services. Therefore, a violation of 511 IAC 7-25-2 is not found.
2. Findings of Fact #2 and #3 indicate that the School has failed to provide homebound instruction to the Student who has a chronic illness precluding attendance at school. The School has failed to carry out its duty to provide homebound instruction. Therefore, a violation of 511 IAC 7-27-11 is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Wabash County and the Wabash-Miami Area Program for Exceptional Children shall:

Provide homebound instruction to the Student to enable the Student to complete course requirements and meet promotion requirements. Documentation of the homebound instruction shall be provided to the Division of Exceptional Learners no later than June 10, 2005. If necessary to enable the Student to meet promotion requirements, the instruction shall continue through the summer.